

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8791

Investigation pursuant to 30 V.S.A. §§ 30 and 209)
regarding the alleged taking of harsh sunflower)
plants by Vermont Gas Systems, Inc. in Monkton,)
Vermont)

Order entered: 1/20/2017

ORDER LIFTING STAY AND NOTICE OF STATUS CONFERENCE

I. INTRODUCTION

On December 23, 2013, the Vermont Public Service Board (the “Board”) issued a final order (the “2013 Final Order”) and certificate of public good (“CPG”) in Docket 7970, in which the Board authorized Vermont Gas Systems, Inc. (“VGS” or the “Company”) to construct a natural gas transmission line from Chittenden County into Addison County, Vermont (the “Project”).

On August 23, 2016, the Board issued an order opening an investigation, pursuant to 30 V.S.A. §§ 30 and 209, into whether the Company violated the 2013 Final Order and CPG by taking a threatened plant species during pipeline construction in Monkton, Vermont, without an endangered species takings permit, and, if so, whether it would be appropriate to order remedial action, impose a penalty, or take any other steps authorized by law. At the same time, the Board stayed the proceedings until the Vermont Agency of Natural Resources (“ANR”) completed its investigation into the incident and concluded a civil enforcement action pursuant to ANR’s enforcement authority under 10 V.S.A. § 5403. Finally, the Board stated that once ANR notified it that the investigation and enforcement action have been completed, the stay would be lifted and a status conference would be convened to determine the next steps in this proceeding.

On December 29, 2016, ANR filed notice of the completion of its investigation and enforcement action and requested that the Board lift the stay on these proceedings.

In light of ANR's filing, the Board hereby lifts the stay and schedules a status conference to be held on January 31, 2017.

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board ("Board") of the State of Vermont that:

1. Pursuant to the Board's order of August 23, 2016, in this matter, the stay imposed by that order is hereby lifted.
2. Pursuant to 30 V.S.A. § 8, Michael Tousley, Esq., is appointed to serve as Hearing Officer to conduct the proceedings in this matter.
3. Pursuant to 30 V.S.A. § 10, a status conference will be held before the Hearing Officer on January 31, 2017 commencing at 9:00 A.M. in the Susan M. Hudson Hearing Room located on the 3rd floor of the People's United Bank Building, 112 State Street, Montpelier, Vermont.

Dated at Montpelier, Vermont, this 20th day of January, 2017.


_____)
_____) Robert Cherry
_____) Sarah Hoffman
_____)

PUBLIC SERVICE

BOARD

OF VERMONT

OFFICE OF THE CLERK

FILED: January 20, 2017

ATTEST: Judith E. Whitney
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)